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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.14392 of 2022

1.Rajesh

2.Thangapandi

..Petitioners

Vs.

State rep by
The Inspector of Police,
NIB-CID,
Coimbatore
(In Crime No.24/2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in crime No.24 of 2022 on the file of the respondent police.

For Petitioners : Mr.S.Mohamed Ansar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 26.04.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in crime No.24 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 26.04.2022, the respondent found the petitioners herein with possession of 5 kgs of Ganja each. Hence, the case was registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners. On instructions, he would further submit that the each of petitioners are ready to deposit an amount of Rs.50,000/- to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, and prays for grant of bail to the petitioners.



4. The learned Additional Public Prosecutor would submit that the each of petitioners were found in illegal possession of 5 kgs of 'ganja'. Hence, he vehemently opposed to grant bail to the petitioners.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that both the petitioners have come forward to deposit an amount of Rs.50,000/- to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, this Court is inclined to grant bail to the petitioners. Accordingly, the each of petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only), by way of Demand Draft to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, and on such deposit, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Additional District (EC and NDPS Act Cases), Coimbatore and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the each of the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only), by way of Demand Draft to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioners shall stay at Sriperumbudur and report before the Inspector of Police, Sriperumbudur daily at 10.30 a.m. and 05.30 p.m., for a period of two weeks and thereafter report before the respondent police daily at 10.30 a.m. and 05.30 p.m., until further orders.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

23/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL DISTRICT
(EC AND NDPS ACT CASES), COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
NIB-CID, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ARIGNAR ANNA MEMORIAL
CNACER HOSPITAL & RESEARCH INSTITUTE,
KANCHEEPURAM.

6 THE INSPECTOR OF POLICE,
SRIPERUMBUDUR POLICE STATION,
KANCHEEPURAM.

CC to M/S S.MOHAMED ANSAR Advocate on payment of necessary charges

CRL OP.14392/2022

Date :23/06/2022

RW-24/06/2022